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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/675,118	09/30/2003	Mamdouh M. Salama	18326/04901	6052
50639	7590	04/21/2006	EXAMINER	
HITCHCOCK EVERT LLP			PATTERSON, MARC A	
P.O. BOX 131709			ART UNIT	
DALLAS, TX 75313-1709			PAPER NUMBER	
			1772	

DATE MAILED: 04/21/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action Before the Filing of an Appeal Brief	Application No. 10/675,118	Applicant(s) SALAMA, MAMDOUH M.	
	Examiner Marc A. Patterson	Art Unit 1772	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 12 April 2006 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
 b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☒ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
 (a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
 (b) ☒ They raise the issue of new matter (see NOTE below);
 (c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
 (d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
 5. ☐ Applicant's reply has overcome the following rejection(s): _____.
 6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
 7. ☒ For purposes of appeal, the proposed amendment(s): a) ☒ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
 The status of the claim(s) is (or will be) as follows:
 Claim(s) allowed: none.
 Claim(s) objected to: none.
 Claim(s) rejected: 1-40.
 Claim(s) withdrawn from consideration: none.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
 9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
 10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☐ The request for reconsideration has been considered but does NOT place the application in condition for allowance because: _____.
 12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08 or PTO-1449) Paper No(s). _____.
 13. ☒ Other: See attached.

ADVISORY ACTION

Acknowledgement of Applicant's Amendments

1. The amendment made in Claim 21 in the After Final Amendment filed April 12, 2006 has not been entered because the amendment raises the issue of new matter. A sealing section that is 'movable' and that has a 'first arm' and that has a 'first position when no responding to pressure and a second position entered into in response to pressure' is not disclosed in the original specification. The amendment therefore raises the issue of new matter, and the amendment has therefore not been entered.

ANSWERS TO APPLICANT'S ARGUMENTS

2. Applicant's arguments regarding the 35 U.S.C. 102(b) rejection of Claims 1 – 26, 29 – 30, 32 – 33, 35 – 36 and 38 – 40 as being anticipated by Salama et al (Offshore Technology Conference, May 1999), 35 U.S.C. 103(a) rejection of Claims 27 – 28 as being unpatentable over Salama et al (Offshore Technology Conference, May 1999) in view of Shetterly et al (U.S. Patent No. 2,957,794) and 35 U.S.C. 103(a) rejection of Claims 31, 34 and 37 as being unpatentable over Salama et al (Offshore Technology Conference, May 1999) in view of Halladay (U.S. Patent Application Publication 2003/0152790), of record in the previous Action, have been carefully considered but have not been found to be persuasive for the reasons set forth below.

Applicant argues, on page 10 of the remarks dated April 12, 2006, that the amendment to Claim 21 does not introduce any new matter.

However, as stated above, a sealing section that is 'movable' and that has a 'first arm' and that has a 'first position when no responding to pressure and a second position entered into in response to pressure' is not disclosed in the original specification. The amendment therefore raises the issue of new matter, and the amendment has therefore not been entered.

Applicant also argues, on page 11, that the structural composite layer of Salama et al is not adjacent to the metal liner because the structural composite layer and metal liner are separated by a shear ply.

However, as stated on page 6 of the previous Action, although the shear ply separates the structural composite from the metal liner, the metal liner and the structural composite are adjacent because only one ply separates the reinforcing layer and liner; the reinforcing layer and the liner are therefore not distant from each other.

Applicant also argues, on page 12, that the shear ply layer of Salama et al cannot be over the reinforcing layer of Salama et al because the shear ply layer is within the circumference of the reinforcing layer.

However, in a laminate, any two layers which are in contact are 'over' each other, because the layers cover each others surfaces.

Applicant also argues, on page 13, that in contrast to Salama et al, the claimed invention provides limited movement.

However, limited movement is not claimed; furthermore, Salama et al specifically state that the movement is only a 'small amount'; limited movement is therefore disclosed by Salama et al.

Applicant also argues on page 13 that Shetterly et al is non – analogous art because Shetterly et al is concerned with bonding rubber to metal, while the Applicant is concerned with bonding metal to a composite reinforcing layer.

However, Shetterly et al is analogous art, because rubber and composite both comprise polymeric materials.

Applicant also argues, on page 14, that Salama et al teach away from an engaging surface because Salama et al teach prevention of bonding between the liner with the shear ply.

However, the term ‘engaging’ does not exclude a surface which is in contact with another surface, without bonding; furthermore, Salama et al does not teach prevention of bonding between the entire liner and the entire shear ply; therefore, even if the term ‘engaging’ did exclude a surface which is in contact with another surface without bonding, Salama et al would not teach against an engaging surface for the entire liner and shear ply.

Applicant also argues, on page 15, that Halladay et al is non – analogous art because Halladay et al is directed to pigmentation of rubber; one skilled in the art would look to metal layers used in drilling applications, Applicant argues, not patents directed to metal impregnated rubber.

However, because the performance enhancing layer disclosed by Salama et al comprises rubber, as stated on page 5 of the previous Action, art which relates to treatment of rubber constitutes analogous art.

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3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Marc A Patterson whose telephone number is 571-272-1497.

The examiner can normally be reached on Mon - Fri 8:30 AM - 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Harold Pyon can be reached on 571-272-1498. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Marc Patterson 4/15/06

Marc A. Patterson, PhD.
Primary Examiner
Art Unit 1772